IN THE HIGH COURT OF BOMBAY AT GOA
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CRIMINAL WRIT PETITION NO. 23 OF 2002

Viraj Gaunekar,
presently under custody
at Sub-Jail, Sada,
Vasco da Gama. ... Petitioner

Versus

1. Mr. Datta Kudchadkar,
Jailor, Sub-Jail, Sada,
Vasco da Gama, Goa, and

2. Govt. of Goa,
through the Secretary,
Home Dept. ... Respondents.

Shri M. B. D'Costa, Amicus Curiae.

Shri V. A. Lawande, advocate for respondent no.1.

Shri S. N. Sardessai, Public Prosecutor for respondent no.2.

CORAM : F. I. REBELLO &
P. V. HARDAS, JJ.

DATE : 2nd June, 2003.

ORAL JUDGMENT (Per Rebello, J.)

By Order dated 20th November, 2002, considering that an enquiry was pending against the delinquent official, respondent no.1 in the present petition, this matter was adjourned to enable this Court to have the benefit of the Enquiry Report. The Enquiry Report has been submitted and a copy is on record. From the Report, it is seen that the Enquiry Officer has recorded findings that it was not possible to prove the charges against respondent no.1.

2. These are purely findings of fact on

assessment of the evidence of the witnesses. Once that is the case, it will not be possible for this Court to take any other view, considering the allegations and the material on record. In the light of that, the petition stands dismissed. Rule discharged, with no order as to costs.

F. I. REBELLO, J.

P. V. HARDAS, J.

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